

### **REMARKS**

.These remarks are in response to the Office Action mailed July 13, 2007. Claim 1 has been amended. Support for the bioactive agents of nicotine, caffeine and hydrocortisone are supported throughout the application as filed (see, e.g., paragraph 0028 and figure 3; paragraph 0029 and figure 4; and paragraph 0063). No new matter is believed to have been introduced.

#### **I. DOUBLE PATENTING REJECTIONS**

Claim 1 stands provisionally rejected under 35 U.S.C. §101 as claiming the same invention as that of claim 1 of copending application no. 10/887,453. Applicants have amended claim 1. Applicants submit that the rejection may be properly withdrawn.

Claims 1-36 stand rejected under the judicially created doctrine of obviousness-type double patenting in view of copending U.S. Application No. 10/887,453. Submitted herewith is a Terminal Disclaimer obviating the rejection.

Claims 1-36 stand rejected under the judicially created doctrine of obviousness-type double patenting in view of copending U.S. Application No. 10/887,466. Submitted herewith is a Terminal Disclaimer obviating the rejection.

#### **II. REJECTIONS UNDER 35 U.S.C. §102**

Claims 1-5 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by Canadian Application No. 2,001,688 (the '688 application). Applicants respectfully traverse this rejection.

The '688 application does not teach or suggest nicotine, caffeine or hydrocortisone. Thus, the '688 application cannot anticipate Applicants' claimed invention. Accordingly, Applicants respectfully request withdrawal of the rejection.

The Examiner is invited to contact the undersigned at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

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